

### **REMARKS**

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of December 7, 2010.

Reconsideration of the Application is requested.

Claims 1, 3-4, 6-7, and 9-17 are pending in the application.

Claim 8 is now canceled, without prejudice.

### **The Office Action**

Claims 1, 3-4, 6, 7 and 10-16 are rejected under 35 U.S.C. §103(a) as unpatentable over Kadoma, et al. (JP 11180705) in view of Breitscheidel, et al. (US Pub. No. 2004/0198909).

Claims 8, 9, and 17 are rejected under 35 U.S.C. §103(a) as unpatentable over Kadoma, et al. in view of Breitscheidel, et al. in view of Hall ("Experimental Investigation on Pore Size and Pore Distribution," Bone Fracture and Regeneration, 1999, pp. 161-162).

### **Interview Summary**

Applicants wish to thank the Examiner for the courtesy of a telephone interview, which took place on January 5, 2011. In the interview, the Kadoma, Breitscheidel, and Hall references were discussed. The Examiner conceded that the Hall reference was not helpful in defining the characteristics of the claimed calcium compound block. The Examiner agreed that claim 9 was patentable over the cited references, without further amendment. He indicated that claims 1 and 4 would also be allowable over the cited references if amended to incorporate the subject matter of claim 8. The Examiner agreed to consider the amended claims and to perform a further search.

Applicants have amended claims 1 and 4 as suggested by the Examiner. Claim 8 has been canceled.

An early indication as to the allowability of the amended claims is respectfully requested.

### CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1, 3-4, 6-7, and 9-17) are now in condition for allowance.

☒ Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR		(3) NUMBER EXTRA
TOTAL CLAIMS	14	- 20 =	0
INDEPENDENT CLAIMS	3	- 3 =	0

☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.


☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account Number 06-0308.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to telephone the undersigned, at 216.363.9000.

Respectfully submitted,

Fay Sharpe LLP

February 7, 2011  
Date

  
Ann M. Skerry, Reg. No. 45,655  
Jay F. Moldovanyi, Reg. No. 29,678  
The Halle Building, 5th Floor  
1228 Euclid Avenue  
Cleveland, Ohio 44115-1843  
216.363.9000

#### **CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being transmitted to the USPTO by electronic transmission via the EFS Web on the date indicated below.

February 7, 2011  
Date

  
Name: Jessica Cantrall